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Indiana University—Bloomington School of Law celebrates its new building addition
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On the cover: Chief Justice William Rehnquist, Indiana Governor Robert Orr, and other dignitaries celebrate the dedication of the Law School addition during the ceremonies on September 12, 1986. (Design by Tim Terrell.)

The interviews with Professors Scanlan and Medine and Yongxin Song and for the “Practitioner-in-Residence” piece were conducted by Bruce Longbottom, ’88.

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President's Message

Dear Fellow Alumni:

I want to report to you on the Alumni Conference and Building Dedication Ceremonies and offer my perspective on those events.

The Conference was a tremendous success. More of you attended this conference than any prior one, although I admit that we had some unusually attractive events scheduled. I was particularly pleased at the large enrollments we had for the two seminars sponsored by the School and ICLEF. No small part of the credit for this must go to the fine practitioners and faculty who led the sessions.

There were two ceremonies surrounding the Building Dedication. The first, and the one which garnered the most publicity, was held at the IU Auditorium. As is true at many state university functions, the ceremony was open to the public. Unfortunately, several people from the community at large took advantage of the openness of the proceedings to interrupt some of the speakers, particularly Chief Justice Rehnquist. Naturally, their conduct dampened somewhat the spirits of those of us who attended.

However, the ceremony at the Law School reminded us all of what an extraordinary occasion this was. While the ceremony at the Auditorium was characterized by the kind of pomp traditionally associated with formal academic gatherings, the ceremony at the law building had the special attraction that audience members had the opportunity to meet all the dignitaries who participated, including the Chief Justice. The dedication at the law building was held in the new courtyard and featured a unique event: in order to catch the attention of the hundreds of people in attendance so that the ceremony could begin, six herald trumpeters appeared on a balcony and presented a trumpet fanfare written especially for the dedication.

It was clear to all of us that, as far as the University was concerned, this was no mere ribbon cutting ceremony; rather it was a ceremony designed to show the University's pride in the School and its building and the importance of the School to the University. It was also clear to all of us who were able to attend that the new building is magnificent and provides a setting appropriate to the quality of a Law School which is committed to excellence.

Ezra H. Friedlander, President
School of Law Alumni Association

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Dean's Message

This issue of the Bill of Particulars is especially notable because it covers the most active semester I can remember at the Law School. Our building dedication on September 12 was of course the highlight. While the speech of Justice Rehnquist was marred slightly by the acts of some demonstrators, the Law School community—both supporters and detractors of Justice Rehnquist's judicial approach—celebrated the building dedication with enthusiasm and dignity. I should acknowledge, nevertheless, that we have received communications from many alumni unhappy with the invitation to Justice Rehnquist in the first place, and even more letters critical of the reception he received in the Auditorium. The explanation for these concerns goes deeper than one event. In today's world, it is no longer as easy as it once was to keep law and legal institutions distinct from political considerations. All in all, however, I think everyone who came to Bloomington would agree that we had the most successful alumni weekend that the School has ever been able to put together. I certainly thank all who came and all who worked so hard to organize the activities.

As far as other activities in the Law School, I want only to mention that with the outstanding help of Tom Emison, a visiting professor this academic year with a rich experience of his own practicing law in Vincennes, the Practitioner-in-Residence program has provided a splendid way to integrate the insights and experience last semester of persons such as John Carroll and Randy Bridges (and this semester of Jeff Kennedy and Donald Sutherland) into the teaching program of the Law School. We look forward to continuing the program in the future.

Finally, rather than reporting further on activities described better inside this issue, I would like to add a personal note. It should be clear that even acting deans cannot resist promoting the Law School. It is fun to point to the quality of the building, the faculty, and the students and describe their accomplishments and ambitions. The Law School is a splendid institution that will get stronger in the future. Instead of pushing that message here, however, I would like to round out this letter by promoting the alumni and friends of the school.

Now that I am about the half-way stage of my acting deanship, I would like to note what a delight it has been for me to get to know alumni and persons active in the bench and bar of the state. I have been extraordinarily impressed by the warmth of the individuals I have met, the professionalism with which they go about their duties, and the very high ambitions and strong affection they feel for the Law School. As a visitor from the world of the faculty into the world of alumni and the state bench and bar, I have been delighted with what I have found. So delighted that I will add a last-minute postscript to the page proofs of this issue. We have decided to remove "acting" from "acting dean."

Bryant G. Garth
Dean
Building Dedication Ceremonies

Frederick Reed Dickerson

Among the highlights of the 10th Annual Alumni Conference were the remarks of Chief Justice William Rehnquist and the conferring of honorary degrees on three distinguished members of the profession, F. Reed Dickerson, Jesse E. Eschbach, and Shirley S. Abrahamson at the building dedication ceremonies on September 12, 1986. The speech of the Chief Justice is included in this newsletter, and the remarks accompanying the conferring of the honorary degrees are reprinted below.

Frederick Reed Dickerson

Frederick Reed Dickerson's achievements as a legal scholar have earned him international preeminence in legislative interpretation and legal drafting. He has put his scholarly expertise to practical application in service to the federal government, and his extensive publications have had significant impact on legal education and practice in this country.

Professor Dickerson earned the AB from Williams College in 1931 and the LLB from Harvard Law School in 1934. He studied also at Columbia University, earning the LLM in 1939 and the JSD in 1950. From 1934 to 1938 he practiced law in Boston and Chicago. In 1939 he joined the faculty of Washington University and in 1940 became assistant professor of law at the University of Pittsburgh. During the war years, Professor Dickerson served as attorney for the Office of Price Administration and subsequently as assistant legislative counsel for the Office of Legislative Counsel of the U.S. House of Representatives. From 1949 to 1958 he was attorney for the Department of Defense. In 1958 Dr. Dickerson joined the faculty of the Indiana University School of Law and has been a distinguished member of the faculty since that time, retiring to emeritus status in 1982.

Professor Dickerson is nationally recognized by lawyers, judges, and law educators as the foremost authority in the field of statutory interpretation. His classic textbook, The Interpretation and Application of Statutes (1975), considered the most penetrating and comprehensive analysis of the subject, provides a cogent approach that has significantly enhanced legal education and practice.

Professor Dickerson has also made a unique contribution in the field of legal drafting. His work on clarifying and simplifying the language used in statutes and regulations issued by governmental agencies has earned him widespread recognition in the United States and other English-speaking countries. Among his landmark books are Legislative Drafting (1954), revised in 1965 as The Fundamentals of Legal Drafting, and the teaching text Materials on Legal Drafting. These publications, which embody a combination of intellectual insight and common sense that is characteristic of his writing, have brought about an increasing recognition on the part of law schools that educating the lawyer as draftsman is at least as important as educating the lawyer as advocate and litigator. They also contain information and advice of importance to lawyers involved in drafting, amending, and interpreting statutes and legal instruments.

Professor Dickerson has applied his scholarly expertise extensively in government service and as a consultant. As attorney for the Department of Defense, he was chief editor for a task force that codified laws relating to the armed forces, a project that became a model for all titles of the U.S. code.

Jesse E. Eschbach

The Honorable Jesse E. Eschbach is widely respected as a master of the art of judging. His adjudication unfailingly balances fairness to the parties and their circumstances with the maintenance of the legal precepts that over time preserve justice for all. The humanity, objectivity, and clarity of his judgments reflect thoughtful examination and broad perception of issues.

Judge Eschbach was born at Warsaw, Indiana. He received the BS from Indiana University in 1943 and the JD with distinction in 1949. He was admitted to the Indiana Bar in 1949 and from that year until
1962 was a partner in the Warsaw firm of Graham, Rasor, Eschbach & Harris. During those years he served also as city attorney for Warsaw, deputy prosecuting attorney for the 54th Judicial Circuit Court of Indiana, and secretary and general counsel for Dalton Foundries, Inc.

Jesse Eschbach's reputation for wisdom and high integrity led in 1962 to the honor of an appointment by President Kennedy as judge of the United States District Court for Indiana, Northern District. Judge Eschbach served in this position until 1974, when he was appointed chief judge for the Northern District. In 1981 he again received a presidential appointment, by President Reagan, as judge for the United States Court of Appeals, Seventh Circuit. He has served there with great distinction, and several of his opinions have become landmarks.

Judge Eschbach's commitment to serving his community, state, and profession has been expressed through his work with many civic organizations. Among other activities, he was president of the Warsaw Chamber of Commerce and the Rotary Club of Warsaw during the 1950s, and was named Man of the Year by the Chamber of Commerce in 1961. From 1960 to 1962, he served on the Labor Relations Committee of the U.S. Chamber of Commerce.

He is a member of the American and Indiana Bar Associations, the American Judicature Society, the Seventh Circuit Federal Bar Association, and the Indiana Manufacturers Association. He has served on the Board of Managers and the House of Delegates of the Indiana Bar Association and as director of the Indiana Manufacturers Association.

As an alumnus of Indiana University and the School of Law, Judge Eschbach has devoted his time and thought to the well-being of the University. A member of the Board of Trustees from 1965 to 1970, he brought wisdom and foresight to the University's concerns. Since 1970 he has served on the School of Law Board of Visitors. The Law School benefits in numerous ways from his guidance and generous readiness to respond to the School's needs.

Judge Eschbach's distinguished reputation as a jurist is evidenced by his influence on young lawyers who have the privilege of clerking for him, and in the universal respect of his colleagues and of lawyers who practice before him. He is known for his talent for the most difficult aspect of judging: reaching a just result in light of both the individual case and the commands of general legal rules. He is a firm adherent of careful reading of statutes and controlling precedent, and his detailed explanation of his decision in each case ensures the process of deliberation.

During Jesse Eschbach's many years on the trial bench, his court was described as "as fine a human institution of justice as one could imagine." His career as a trial judge and as a judge for the Court of Appeals reflects the ethical strengths of our system of government.

Shirley Schlanger Abrahamson

The Honorable Shirley S. Abrahamson combines a legal mind of exceptional acuity with a compassionate concern for the individual. Her perception of what other people regard as their best interest and her fairness in balancing this with judicial issues have been the hallmark of her outstanding career on the Wisconsin Supreme Court and as a faculty member of the University of Wisconsin Law School.

A native of New York City, Justice Abrahamson received the AB from New York University in 1953. She entered the Indiana University School of Law at Bloomington and was awarded the JD in 1956. She was admitted to the bar in Indiana in 1956, in New York in 1961, and in Wisconsin in 1962. In 1962 she received the SJD from the University of Wisconsin and from that year until 1976 practiced law with the Wisconsin firm of Lafollette, Sinykin, Anderson & Abrahamson. Since 1966 she has been a member of the law faculty of the University of Wisconsin.

In 1976 Justice Abrahamson's exceptional abilities were recognized by appointment to the Supreme Court of the State of Wisconsin. The first woman to serve on that court, she won election in 1979 to a 10-year term.

As a legal scholar, she has brought new understanding of constitutional law, especially First Amendment questions of free speech and freedom of the press and controversial issues in affirmative action and human rights. On the court, Justice Abrahamson has established a reputation for thoughtful and fair-minded judgment. Her written opinions, whether majority or minority, make it clear that on the bench as in public life she sets for herself the same unusually high standards in explaining her judicial philosophy. The breadth of her expertise is reflected in her astuteness in matters ranging from the evaluation of labor agreements and the political ramifications of a course of action to the interplay of law enforcement practices and individual rights.

Justice Abrahamson serves on numerous professional organizations, including the Council of the American Law Institute, the Board of Directors of the Foundation for Women Judges, the Executive Committee of the American Judicature Society, the Standards Review Committee, the Special Committee on Youth Education for Citizenship, the Action Commission to Improve the Tort Liability System, and the Section of Legal Education and Admissions to the Bar of the American Bar Association. Among other positions, she also has served on the Wisconsin Board of Bar Commissioners, the Advisory Board of the National Institute of Justice, the Governor of Wisconsin's Study Committee on Judicial Organization, and the Board of Directors of the Wisconsin Civil Liberties Union. She is a member of the American, Wisconsin, and Dane County Bar Associations.

In addition to carrying a heavy load on the court, Justice Abrahamson takes the time to travel throughout the state of Wisconsin to speak to community and professional groups, promoting a fuller understanding of the state judicial system, and makes a special effort to talk to students in elementary and secondary schools. She also accepts numerous speaking engagements across the nation and abroad as part of her commitment to ensuring thoughtful consideration of the balance between individual rights and social order.

For many years, Justice Abrahamson has given counsel to Indiana University through her service on the Law School Board of Visitors, where her wise and constructive judgment provides invaluable guidance.

Shirley Schlanger Abrahamson's contributions to legal education at the University of Wisconsin and Indiana University, and her distinguished service in the judiciary system of the State of Wisconsin, exemplify the highest standards of professional excellence, enhanced by the humane perception that is her special quality.
Academy of Law Alumni Fellows Inducted

At the Tenth Annual Law Conference, the School of Law and the Law Alumni Association inducted Daniel James, the Honorable Juanita Kidd Stout, and James F. Thornburg, and the late John S. Hastings into the Academy of Alumni Fellows. The remarks which accompanied the induction ceremony are printed below.

James F. Thornburg

The ideal of the citizen-lawyer that all who value the legal profession would make universal is personified in James Fletcher Thornburg. Born and reared in Winchester, Indiana, he received his baccalaureate from DePauw University and his JD with high distinction from the Indiana University School of Law.

As a practitioner in South Bend, his brilliance and diligence earned him a devoted clientele and the respect of his peers. He is a leading expert on estate planning and governed commerce and public policy. Born and reared in Washington, Indiana, earning both bachelor and law degrees from Indiana University, he further honed his skills at Harvard before entering into the competitive world of the prestigious law firms that cluster around Wall Street.

In 1934 he joined the predecessor firm of Cahill, Gordon and Reindel and became a partner ten years later. He remains counsel to the firm today. He became an expert in the complex regulation of the financing and governance of electric generation and distribution utilities. From depression-born reorganization to the creation of new corporate forms for atomic energy generation, he advised the industry and formulated policy for his client the Middle South System.

Lawyers such as he enabled business managers and governmental regulators to co-exist in this period of unprecedented growth and change. He has provided leadership in professional organizations and has generously shared his time and energy with educational and charitable organizations; but it is his Hoosier alma mater that has benefited especially from his talents and dedication.

He was the first chair of the School of Law Board of Visitors and chaired the 1957 National Committee for the Indiana University Foundation. He has been a Board member of the Foundation since 1964.

The Indiana University School of Law and the Law Alumni Association proudly recognize the significant achievements and contributions of this distinguished graduate.

John Simpson Hastings

John Simpson Hastings, through ability, charm, and heritage, was the leading lawyer and citizen of his hometown, Washington, Indiana, and might have rested comfortably in the respect and affluence that position earned him. He was, however, impelled by a sense of responsibility to a larger community to join with those who dreamed of his alma mater, Indiana University, as a focus of excellence in education in the heartland of the nation.

His service to this institution began on the campus, continued through leadership in the Memorial Fund drive of the 20s, and was made more fulfilling by his election to the Board of Trustees in 1936. In 1950 his fellow members elected him president.

This tenure, which saw his dream realized, ended only with his move to Chicago and a new career. A mature legal practitioner, valued by his clients and respected by his peers, in 1957 he accepted a new challenge as judge of the Seventh Circuit Court of Appeals sitting in Chicago.

As a jurist, Judge Hastings, already possessing the wisdom and sensitivity of experience, applied a keen understanding of the role of the court and a profound scholarship to establish a standard of excellence, fairness,
to be elected to the bench in the United States, she has earned the respect of both the citizens of her city and of experts throughout the land for the resolute management of her court and her recognition of the rights of victims as well as the protection of the rights of youthful offenders.

Following her mother’s admonition that she “do something useful” Judge Stout found her way from rural Oklahoma to Philadelphia and her judicial career by grasping educational opportunities. She graduated with honors from both the University of Iowa and Indiana University School of Law.

Her keen intellect, prodigious work habits, and legal scholarship have enabled Judge Stout to maintain a schedule of activities beyond her duties on the bench. She has published numerous monographs and articles in her field of expertise. She served on the White House Conference on Children and Youth, the Justice Commission of the Governor of Pennsylvania, and as advisor to Congressional Committees and Bar Association councils. President Kennedy appointed her a member of the United States Delegation to the Kenya Independence Celebration with the rank of special ambassador. She “did something useful” in leading and advising community and national organizations concerned with youth and the rights of women and racial minorities.

She has been presented with nine honorary degrees including one from Indiana University. She is a member of the Oklahoma Hall of Fame. To this remarkably useful alumna, the Indiana University School of Law and the Law Alumni Association proudly present yet another accolade, their own highest honor.

Scholar from China visits School

Juanita Kidd Stout

Juanita Kidd Stout is currently sitting in the Homicide Division of the Court of Common Pleas in Philadelphia and is the supervising judge of the Grand Jury investigation of the MOVE incident in Philadelphia. She was appointed to the bench in 1959 and has been reelected to succeeding terms by overwhelming majorities. The first black woman

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The government officials do not fully understand the legal education systems of other countries,” said Professor Song, speaking slowly as he translated his thoughts into English. Only occasionally would he pause as he searched for the correct word to use.

“The government officials only decided to give me a certain sum of money to study abroad. I had to contact the law schools by myself. After I have completed my study, I should make some contributions.”

Professor Song first learned about Indiana University from Christine Bennett, a professor in the School of Education who visited Hangzhou University through the exchange program between the two universities. She then helped Song contact the law school.

“When the Cultural Revolution ended, China learned it had been left far behind the world. Our leaders realized they had to open the door to learn from and catch up with developed countries. They also found that without a sound legal system, the country’s people will suffer and the country as well. They then tried hard to reconstruct the legal system. In recent years we have set up dozens of law schools and departments. During the Cultural Revolution the whole big country had only one law department with about 200 law students, for a billion people.”

As well as founding many new law schools, the government also has been trying to upgrade the competency of lawyers and law professors. This has been done by sending people such as Song abroad.

“The legal system of your country is fairly complete,” he stated. “There are so many laws, rules, regulations, especially in the business field. The United States is well-known for its prosperity, stability, and continuity. I think the legal system contributed much to it.” Although the Chinese government stressed economic relations as an area to study, Professor Song thinks that he should also learn about the entire legal system of the United States. “There are so many things to learn. One year is really too short. The problem is that my financial resources are limited. If I had two years of study, it would help me much better.” As of now, Professor Song plans to return to China after the spring semester, where he will resume teaching, applying what he has learned at Hangzhou University.

Professor Song’s educational background reflects the political changes which China has undergone. He began studying the English language over 25 years ago in middle school and then attended Peking University as an English language major.

“Unfortunately, one year later the so-called Cultural Revolution began and we had to stop studying,” he explained. “After that we stayed in the university for the next four years to make revolution,” then we graduated.”

Professor Song was then assigned to the Ningxia Hui (Muslim) Autonomous Region, where he taught English, mathematics, and political theory in the middle school for 10 years. In 1976 the “Gang of Four” was over-
thrown, and the examination system was restored shortly after that. "In 1980 I passed the examination and went back to Peking University, this time as a law post-graduate in the law department. My major was international law and international relations. I got my masters in July 1983." From there he was assigned to Hangzhou University.

Professor Song noted many differences in the legal education systems of the U.S. and China.

"There are so many law textbooks in this country. The professor can use any book he likes," he said. "In our country we have, for each course, one uniform book." He then held up a paperback book of about 300 pages, explaining that it was a criminal procedure standard textbook put out by the Education Ministry. "The teacher will teach his lecture on this book. There are not so many textbooks available. The students do not have enough alternative materials to read before and after class. But here you have so many books on the same subject. You really have more freedom, freedom of choice of textbooks," he joked. "It seems to me that your law students are under more pressure than ours. Most of them work very hard on their lessons. Maybe because the American law schools are graduate schools."

Professor Song observed that the way of teaching law in China is quite different from that of this country. Obviously, it is a reflection of the legal system itself. "Our legal system on the whole is close to the civil law system. There is no principle of stare decisis in China, so case law is not taught in the law schools. Most of the professors teach in a traditional way, i.e. we just lecture and tell the students what are the legal rules and their underlying policy. In more recent years, we have been trying to have more discussions on cases, in which the students are quite interested. In my opinion, to combine the two methods will be a more practical way of teaching and learning law. So we have much to learn from your Law School. However, our students have three months of practice of law in courts, procuratorates, or law firms before they graduate from school. That makes it easier for them to get used to their future work."

Professor Song said he was very impressed with the working efficiency here. "Everybody works tremendously hard. Though people are required to work five days a week, in fact, many professors continue to work on Saturdays and Sundays. Every professor teaches two courses per semester. And most of them can teach more than four courses. We usually teach only one course. Some teach the same course for their lifetimes. In our law department we have more than 40 faculty members but 400 students, while this law school has only 30, but 350 students. Yet, we are still asking for more professors. Of course, there are many more secretaries working for the professors here, and the professors are paid very well. The system of exchange of visiting professors here is a good system. It can benefit the students as well as the professors themselves. The various provisional lectures by visitors can achieve the same results. Actually, I was also given the honor to make a few lectures here. In short, the American legal education system is well-established, from which we have a lot to learn."

Professor Song, who is also a licensed lawyer in China, explained that in China all legal workers, including lawyers, are state employees. Law firms are state-run. "Private practice, such as in this country, is prohibited by law. The billing rate is set by the government, which is very low, compared to your rate. Almost everybody can afford it."

"Relatively, to be a lawyer in China is easier than in this country. Our sources of law are comparatively simple. We only have legislation and administrative rules. Judicial decisions have no binding force on other cases. Our state system is a unitary system. We only have one constitution, but here you have a federal constitution, and each state has a constitution. You have federal laws and different state laws. It is really too complicated. You have to pass a state bar exam to be a practitioner. In China, so long as you have a lawyer's license, you can practice all over the country."

When asked about the independence of the judicial system, Professor Song said: "Since 1949 the Communist Party has played a leading role in the country. For 30 years, almost everything was decided by the Party. There was no clear division between the Party and the government. In recent years, some efforts have been made to divide the functions of the Party and the government. Under the 1979 criminal procedure the courts were to adjudicate independently. In 1983 that provision was revised so that the judicial department would work under the leadership of the Party."

When asked if this control by the Party is good, Professor Song stated, "Our legal system is still under the process of reconstruction, and most of our legal workers didn't have formal legal training." Professor Song suggested that, because of this, for the time being, leaving the judiciary without supervision would "be a terrible thing."

"Things are improving, but it still takes time. There are a limited number of law graduates available each year, while the demand far exceeds the supply. At the present, we have only 20,000 lawyers, which is only 3% of that of the States. Besides, Chinese people, including the government employees, are still deficient of a sense of law. An ambitious campaign to popularize legal common sense in five years is in full swing, but it's by no means an easy job. I think we need 20 or 30 years or even longer to raise the legal standard of the whole nation to a satisfactory level."

Professor Song is optimistic about the changes being made in China. "Deng Xiaoping, senior leader of China's Communist Party, is more open-minded. He has done a good job since 1978. Recently, people are interested in discussing political reform. First the economic reform, and then the problem of political reform was brought forth, because without political reform the economic reform cannot develop smoothly. If we can make our legal system more complete, better, and the political system more democratic, we can achieve the 'Four Modernizations' faster and easier."

Professor Song said after so many years of internal turmoil China needs a stable environment, both domestically and internationally. However, without a sound, authoritative legal system, there is always some possibility for turmoil such as the "Cultural Revolution" to recur. China is moving along in the direction of "a state ruled by law" not by the individual. "There have been and surely will still be some setbacks or zigzags. On the whole I think the situation is inspiring," he said with a smile.

At the end of the interview, he expressed his heartfelt thanks to this Law School. He said, "The deans and the faculty and staff have been very warm and friendly toward me. They have treated me very well. They were eager to find the books and materials I needed. I was given a very nice office, and all the office supplies and other facilities that I can enjoy. All of these have made me feel comfortable and at home. This Law School has quite a few excellent professors. A year's study is very instructive and productive. It has opened my mind. I've learned a lot. I am lucky to have such a great opportunity to study in such a good Law School. I hope some day I can host in our city of Hangzhou the professors of this Law School and repay their kindness and generous help toward me."
Chief Justice William H. H. Rehnquist's Law School Dedication Speech
Friday, September 12, 1986

Chief Justice William Rehnquist addresses the audience during the building dedication ceremonies on September 12, 1986 in the IU Auditorium

Governor Orr, President Ryan, distinguished guests, and friends of the Indiana University School of Law:

It is a great pleasure to be with you today to participate in the dedication of this splendid library addition and renovated law building. I am not a legal educator, but I have been a member of the legal profession for 34 years. Every member of the profession has a vital interest in, and derives benefit from, the activities of the law schools of this nation. I would like to talk to you for a few minutes about the current state of the legal profession and why I think that subject should be of interest to law schools as well as to lawyers and clients.

During the past generation the manner in which law is practiced in the United States has changed dramatically in more than one way.

(A) Within the last 15 years alone, the number of lawyers in the United States has more than doubled, from fewer than 350,000 in 1970 to nearly 700,000 today. This increase is of all proportion to the increase in the nation's population: in 1960 there was one lawyer for every 627 people in the country, whereas today there is one lawyer for every 354 people.

(B) Lawyers on the average today make considerably more money, even after adjustment for inflation, than they did 25 years ago. A recent ABA Journal survey reports that the median income of lawyers responding to the survey is roughly $65,000. I suspect that the percentage of gross national product going to pay for legal services has likewise increased; current estimates suggest that law firms bill close to $40 billion a year. The latest headline-making development in this area is the decision of several leading New York law firms to increase substantially their associates' compensation, and to pay additional bonuses to those who had the misfortune to work for government lawyers' salaries as law clerks for one or two years.

(C) The structure of the firms that engage in the practice of law has also changed dramatically. Today, according to the same ABA survey, the median law firm size is eight lawyers, and nearly one-quarter of the lawyers work in law firms that billed between $1 and $3 million in 1985. The number of firms with 100 or more lawyers has increased from only four in 1960 to well over 200 today. Indeed, in just the last five years, the number of firms with over 200 lawyers has increased nearly fourfold, to about 700. According to the recently adopted report of the American Bar Association Commission on Professionalism, it is not uncommon to find firms of over 300 lawyers, with offices not only in many states but in foreign countries as well. Twenty-five years ago, firms of that size and geographic diversity were simply unknown.

(D) Young associates in large law firms today apparently work much harder, and under significantly different conditions, than they did 25 years ago. It is apparently common in some major New York firms to expect associates to bill in excess of 2,000 hours per year, and the ratio of associates to partners in some large firms is increasing sharply. There is some speculation that the recent associate salary increases will be paralleled by increased expectations in billing hours.

(E) Institutional loyalty appears to be in decline. Partners in law firms have become increasingly "mobile," feeling much freer than they formerly did and having much greater opportunity than they formerly did, to shift from one firm to another and take revenue-producing clients with them.

These strike me as very significant developments that affect not only lawyers, but law students who anticipate practicing law, clients of lawyers, and the public as well. Some of them, it seems, have been of inordinately good or bad about change, and generalized complaints that the profession is "losing its professionalism" may represent only nostalgic yearning for the "good old days" that people in my age range always seem to have. But it does appear that the organization of the profession is moving in a particular direction, and that academic institutions concerned with the profession—that is, law schools—should pay attention to and examine what is happening.

I think if similar developments occurred in the field of medicine they would be of considerable interest not merely to medical students but to researchers, medical faculties, and if they occurred in the field of business they would be of considerable interest not merely to business school students but to members of business school faculties. But for some reason the history of law school faculties is quite different; very, very rarely do they evince any interest in the sort of empirical studies that might shed light on the sorts of changes I have mentioned. Law school faculties have preferred to devote themselves, by and large, to criticism and analysis of legal doctrine as it is found in the opinions of appellate courts. This is undoubtedly a very worthwhile enterprise, and one which law faculties are particularly qualified to pursue. But one wonders whether some of the emphasis of law school study and research might not be profitably shifted to the broad area of how legal services are delivered, and surely the structure of

the practice of law is a vital element in the delivery of those legal services.

A very informative symposium on the corporate law firm was recently conducted at Stanford University Law School. Professor Robert W. Gordon described the papers collected in the symposium this way: "Together, they amount to a series of excited reports from explorers returning from journeys into the heart of a vast, mysterious, and almost unmapped interior of American society, its large metropolitan law firms.

"When one thinks about it for a moment, it seems astonishing that law firms should have for so long remained almost unexplored in legal scholarship. These are, after all, social institutions of some prominence. They have a significant place in the economy, billing some $36 billion annually..."

"Yet the legal academy from its inception has on the whole made a determined decision to remain aloof from the institutions where most of its students will spend their careers" (37 Stanford L. Rev. 271, 272.)

And if the "large metropolitan law firm" that was the subject of this symposium is virtually terra incognita, the smaller firm in which most lawyers still practice is totally terra incognita.

My particular interest today is in suggesting a few questions—questions worth answering, I think—that I see raised by the changes in modern practice alluded to earlier.

First, there are several questions that spring from what, to the outside observer at least, look to be fairly substantial changes in the life of an associate in a relatively large firm. What are the consequences to the associate, to the profession, and to the public at large if the associate is expected to bill 2,000 or 2,100 hours per year? Does such an associate have time to be anything but an associate lawyer in that large firm? At the time I practiced law, there was always a public aspect to the profession, and most lawyers did not regard themselves as totally discharging their obligation by simply putting in a given number of hours that could be billed to clients. Whether it was "pro bono" work of some sort, or a more generalized discharge of community obligation by serving on zoning boards, charity boards, and the like, lawyers felt that they could contribute something to the community in which they lived, and that they as well as the community would benefit from that contribution. It seems to me that a law firm that requires an associate to bill in excess of 2,000 hours per year, thereby sharply curtailing the productive expenditure of energy outside of work, is substantially more concerned with profit-maximization than were firms when I practiced.

Indeed, one might argue that such a firm is treating the associate very much as a manufacturer would treat a purchaser of 100 tons of scrap metal; if you use anything less than the 100 tons that you paid for, you simply are not running an efficient business.

How do associates react to this treatment? Is the instinct of the young lawyer faced with staggering hours to favor exhaustive and exhausting re-

(Con't on page 10)
Building Dedication Ceremonies

Construction of the original Law School building, circa 1956

University Chancellor Herman B. Wells at the Law School dedication reception

Chief Justice Rehnquist and other dignitaries at the Law School for the dedication ceremonies
Bryant Garth addressing the assembly at the IU Auditorium

The Law School today

The herald trumpeters attracting the attention of the crowd at the Law School

James Bourne, now past president of the School of Law Alumni Association, participating in the ceremonies at the IU Auditorium
Chief Justice Rehnquist at a lighter moment

search over exercising the judgment necessary to decide whether 10 more hours of research will really benefit a client?

What other consequences flow from the apparent move toward profit-maximization? One consequence appears to be an increasing degree of specialization, particularly in large firms. There seems to be little doubt on the part of those in practice that specialization both serves the client and succeeds in maximizing the firm's income. I suspect that it may have the additional effect of making the work of lawyers in these firms more like drudgery than similar work was 25 years ago. There is more than a little evidence that while associates are perfectly willing to take the increased pay that they receive from large firms, they do not find the work particularly satisfying. Let me caution that the evidence I have seen in this area is almost entirely "anecdotal," and in the absence of more systematic studies it cannot possibly be otherwise.

A related question that comes to mind is whether the typical client today is paying the same, less, or more than he or she would have for similar legal services rendered 25 years ago. It may be all but impossible to answer such a question because of the inherent difficulties in comparing legal services rendered by two different firms at two widely separated times. But I think the question is worth asking.

A second area worth studying is the apparent increase in ethical difficulties that has come, if not as a result of structural changes in the profession, at least at the same time as those changes. It is only natural, I suppose, that as the practice of law in large firms has become organized on more and more of a business basis, geared to the maximization of income, this practice should on occasion push towards the margins of ethical propriety. Ethical considerations, after all, are factors which counsel against maximization of income in the best Adam Smith tradition, and the stronger the pressure to maximize income the more difficult it is to avoid the ethical margins.

I served for a number of years during my practice in Arizona on what was called the "Advisory Committee," which heard complaints against practicing lawyers and recommended disciplinary action against them where appropriate. My impression from this service was that the typical respondent in a proceeding before our Committee was a solo practitioner who was struggling financially; he ended up using for his own purposes trust account money which belonged to his client.

Lawyers in the established firms in Phoenix managed to avoid getting into this trouble, not necessarily because they were more ethical, but because they did not feel a great deal of financial pressure. Indeed, the lawyers in the well established firms in Phoenix in the 1950s and 1960s were probably rather complacent. Each had regular institutional clients who brought in sizable revenues to the firm each year. The associates were assured of being able to make their house payments, and the partners were assured of being able to pay their country club dues. People in these firms put in a good day's work, but they did not feel, in the words of one songwriter, that "they owed their soul to the company store.”

I am sure that from an economic point of view, fully exploiting available resources, the changes in the structure of firms in the 25 years I am talking about probably make a good deal of sense. More work is undoubtedly being done for the client, and logged to the client, by partners and associates in today's large firms than was done by similar firms 25 years ago. But while in business there is essentially one side to this equation - maximization of income - there is another side to it in the practice of law. The greater the pressure for maximization of income, the more likely some sort of ethical difficulties will be encountered - whether the firm consists of a solo practitioner or of several hundred lawyers.

Recent examples abound of big firms running into big trouble. A large Baltimore law firm is currently being sued by an agency of the state of Maryland charging that the firm represented conflicting interests in connection with the Old County Savings and Loan Association, which played a large part in Maryland's recent savings and loan crisis. A large Miami law firm is being sued by the government of Venezuela, which alleges that the firm knew or should have known about fraud against the government by one of the firm's clients. Another nationwide law firm based in New York recently settled for $40 million a suit against it by former customers of a client of the firm. Of course, neither being sued nor settling a lawsuit suit necessarily indicates wrongdoing. But these incidents, among others, were sufficient to prompt a recent article in the respected magazine Business Week entitled "A Question of Integrity at Blue Chip Law Firms: Once Unthinkable, Charges of Foul Play Are Hitting Prestigious Firms."

If, as Professor Roger Cramton observed in a recent article, the word being passed around some big law firms is that "you only eat what you kill" it is only natural that lawyers practicing in these firms will be more conscious than ever of the need to bring in their share of revenues. It would not be surprising if this sort of pressure led to ethical difficulties. Similarly, if one is expected to bill more than 2,000 hours a year, there are bound to be temptations to exaggerate the hours actually put in.

But as any lawyer knows, ethical violations do not necessarily require knowledge on the part of any one lawyer in the firm that the canons of ethics are being violated. Size alone can lead to ethical problems. A partner in one branch of the firm may be representing one client while another partner in another branch of the firm represents another client; if it turns out that these two clients have "conflicting interests," there may be an ethical violation even though neither partner actually knew that someone else in the firm was representing the conflicting interest. Despite the blessings of modern communications, it simply must be harder to keep track of the activities of a firm consisting of several hundred lawyers in several different cities than it would be of a significantly smaller, local organization. Obviously this fact alone does not counsel against expanding successful small organizations into successful large ones, but it again suggests that a law firm cannot treat the question of expansion precisely the way a business organization does. Careful study in this area could expose developing systematic ethical problems and begin the search for solutions.

It can scarcely be doubted that the changes in the structure of the legal profession to which I have referred have a profound effect on lawyers, and therefore a very significant effect on law students who are being trained in law schools to practice law. They may well affect the cost of legal services, the concept of a reasonable fee when a court is making a determination as to what fee is reasonable, and many other matters connected with the administration of the practice of law generally and the delivery of legal services in particular.

Perhaps one response to the curiosity which I have expressed is that so long as the clients are willing to pay the bills, and the insurance company is willing to insure, no outsider need question what is going on. I don't think that is an adequate answer. Even the most ardent advocate of the free market model for many forms of enterprise, the legal profession, always heavily regulated, has never been one of those enterprises. (Con't on page 11)
"The move over the past 25 years has been to increase the emphasis on compensation—to make the law more like a business."

Chancellor Herman B Wells and Chief Justice Rehnquist at the brunch at Bryan House on September 13, 1986

may not take advantage of it, is the ability to appear before a court and advocate the cause of a client. The courts of the United States are subsidized by United States taxpayers; the courts of the state of Indiana are subsidized by Indiana taxpayers. It is certainly not amiss to wish to have more information about the structure of a profession that relies so heavily on the use of publicly subsidized institutions for the conduct of its business.

I once asked a good friend of mine who is the dean of a law school why law professors didn't conduct more empirical studies of the profession and the way law actually affects people, and his reply was that legal academics were just not very good at dealing with empirical studies. It struck me later that this would have been an entirely appropriate remark for the dean of a 17-century medical school in Western Europe to have made; after all, Galen, the great Roman physician, had long ago explained largely as a matter of abstract inquiry how the body worked, and why on earth should someone like William Harvey bother himself with experiments on real human beings to see how blood circulates?

Practitioners of law have long lamented that law is getting to be "more and more like a business"; Louis D. Brandeis made that observation in 1905, and it has been made periodically since. If present complaints meant no more than that lawyers are more careful about keeping time sheets, using firm manpower, and the like, no eyebrows would be raised. But the practice of law has always been a subtle blend between a "calling" such as the ministry, where compensation is all but disregarded, and the selling of a product, where compensation is all important. The move over the past 25 years has been to increase the emphasis on compensation—to make the practice of law more like a business. Whether or not it has "gone too far," or bids fair to "go too far," I have neither the necessary information nor the necessary expertise to say. But I think that these changes over the past 25 years would be a very sensible subject for careful examination by law schools.

I like to think of the profession of law as a multi-legged stool—one leg is the practicing bar, another leg is the judiciary, another leg is the academic lawyers, another leg the government lawyers. No leg of the stool can support the profession by itself, and each leg is heavily interdependent on the others. The practicing bar has always been greatly concerned, and rightly so, with the quality of education given in the law schools. The judiciary is concerned with the quality of the practicing bar; the practicing bar, the government lawyers, and the academic lawyers are concerned with the quality of the judiciary. It seems to me entirely fit and proper that the law schools should concern themselves, perhaps more than they have in the past, with the structure of the practicing bar. But whether or not the academic lawyers at the Indiana University School of Law choose to follow my suggestions today, I have no doubt that they and the Law School will continue to flourish as they have in the past, in the finer and more spacious surroundings which we dedicate today.

Values, Choice, and Executive Action program to be held in September

"Values, Choice, and Executive Action," a five-day program for middle- and upper-level business executives will be held on the Bloomington campus from September 20 through September 24.

This executive development program focuses on humanities as a basis for executive decision-making. As individuals rise in organizations, they are increasingly required to deal with policy matters that involve competing goals, diverse value judgements, and complicated ethical trade-offs. Examples of the dilemmas that confront executives include: drug testing in the workplace, insider stock trading, adequately testing products before marketing them, to name a few. Resolution of these problems requires new and creative approaches.

Indiana University faculty members, including Law School Professor Patrick Baude, and Professors Don Gray and James Patterson, will offer participants access to the broad areas of religious and literary studies, political science, philosophy, the law, anthropology, art history, and music.

This year's speakers will also include a panel of executives from Ameritech, Chicago Title & Trust, and Whirlpool who have participated in the program in the past. They will discuss the influences and effects of "Values, Choice, and Executive Action" upon their professional and personal lives.

The program is designed to offer participants the opportunity to: develop new ways of thinking about managerial decisions; help view individual actions in a larger context; understand how values arise and how they influence decisions; enhance the ability to recognize latent value conflicts and to resolve ethical quandaries; sharpen qualities of insight and wisdom that primarily come from self-knowledge and experience; provide an occasion to consider the basis upon which decisions affecting others should be made; help bridge the gap in communication and understanding between managers and various societal groups and cultures; and increase the ability to relate the humanities to professional and personal life.

For more information, contact Gayle W. Stuebe, IU School of Continuing Studies, 201 Owen Hall, Bloomington, IN 47405; phone (812) 335-0225.
Practitioner-in-residence program launched

Carroll

The School has inaugurated a pilot “Practitioner-in-Residence” program for 1986-87. Three practitioners and one judge each spent one week at the Law School to share their experience with others by speaking in classes, giving presentations, interacting with faculty, and meeting individually with students.

Participants this year included: John L. Carroll, ’48, senior partner in the six-man Evansville firm of Carroll, Johnson & Griffth (October 6-10); The Honorable Douglas R. Bridges, ’66, judge of the Superior Court of Monroe County (November 3-7); Jeffrey Kennedy, ’67, partner with the Chicago firm of Kirkland & Ellis (February 9-13); and Donald G. Sutherland, ’54, partner with the Indianapolis firm of Ice Miller Donadio & Ryan (February 23-27).

Mr. Carroll spoke to the Wills and Trusts class on will execution and will contests and gave presentations on practicing in a small firm, ethics in the practice of law, negotiations, and mineral law during his week at the School.

“It sounds like I am an expert in many varying areas,” said Carroll. “But when you are in the general practice you get into a lot of diverse areas.”

Student reactions to his presentations were good, according to Carroll. He based this on the applause he received, the conversations with students after classes, and the excellent class participation.

“I think that students are interested in seeing the practical side of the practice, and this is one way to get that in a semi-formal setting. This is trying to bring clinical experience in a more formal classroom-type setting,” said Carroll.

“My whole approach has been not to deal with it theoretically, but to deal with it practically—how in fact the system works and how the players work on a day-to-day basis. Hopefully I have opened the eyes of some young students to the more practical side of the practice, and in some instances the dark side as well as the bright side of the practice.”

As for his experience, Carroll said it was “worthwhile,” and that he has had “a good learning experience.”

One thing that Carroll learned was that teaching is not as easy as it looks. “I found that after three classes and class preparation, at the end of the day I was exhausted. I really didn’t expect that. It is hard work if you prepare for it and do it right.”

Carroll’s only other experience teaching was over 30 years ago when he taught a commercial law class. “I suppose one always has dreams of being an academic, and I’m a frustrated academic who finally got a chance, at least for one week, to play the role,” he said, laughing. “And I’ve enjoyed it.”

Judge Bridges, the second practitioner (or jurist)-in-residence, spoke to an Administrative Law class concerning a recent decision, to two Criminal Law classes on sentencing philosophy and the progress of a case through the court system, and an Evidence class where he heard objections from a trial transcript. He also served as a judge in a practice round for the Moot Court team.

Like Carroll, Bridges gave high marks to the program.

“Within the framework of my experience, students are able to hear what really happens in a very concrete and direct way in the workaday world of the law—to, for a moment, get away from learning rules, analyzing precedents,” said Bridges.

Bridges’ framework of experience has many different components. After graduating from Purdue with a degree in mechanical engineering, Bridges served in the Navy and then spent five years with Phillips Petroleum before coming to IU for law school. “I liked Bloomington so well that I stayed after graduation,” said Bridges, who was a deputy prosecutor and a private practitioner before serving as a trial judge.

Bridges praised the practitioner-in-residence program for bringing people from different backgrounds to the Law School to share from their experiences.

“The practical experience that these people bring to the Law School, I think, gives the student an understanding that what they are doing is worthwhile, and that once the struggle here in Law School is over, there is something out there that even sounds like it might be fun.”

Both Carroll and Bridges recommended that other alumni serve as practitioners-in-residence. Bridges stated, “This kind of change of pace is not really work.” Although spending one week away from the job may seem difficult to arrange, Bridges stressed that it can be done if given a high priority and advance planning.

Visiting Professor Thomas S. Emison administers the program. He is optimistic about continuing it. “It is still in the trial stage, but it is going well,” he explained.

Faculty News

Associate Professor John Scanlan’s book, Calculated Kindness: Refugees and America’s Half-Open Door, 1945-Present, was published by Free Press this fall.

Professor Craig Bradley, a former clerk for Chief Justice Rehnquist, testified before the Senate Judiciary Committee in connection with Rehnquist’s confirmation. In November he addressed a Federal Practice Symposium of the Indiana State Bar Association on “Developments in Criminal Procedure.” Professor Bradley was named the 1986-87 Louis B. Niezer faculty fellow.

Professor William Oliver spoke to the University’s Chapter of the Association of American University Professors on “The New Tax Law: What Faculty Need to Know.”

Professor Roger Dworkin’s chapter, “The New Genetics,” was published in Bio Law. He gave a lecture on “Legal Dilemmas in Worker Genetic Screening” at the Governor’s Conference on Genetic Screening in the Workplace in Omaha, Nebraska. He also lectured on “Legal Perspectives in Perinatal Medicine” for the Cook County Hospital in Chicago and on “Death, Dying and Law Reform” at the Methodist Hospital—St. Vincent Hospital Conference on “Prolongation of Life” in Indianapolis.


Professor John Baker was elected chair of the Minority Affairs Section of the Association of American Law Schools. He gave a paper on “The Future of Affirmative Action: The Latest Supreme Court Decisions” to civil rights lawyers at a conference on Recent De-
developments in Civil Rights Law at the Airlie House Conference Center in Warrenton, Virginia. He also presented a paper on "Future Prospects for the Civil Rights Reconstruction Act" to educational administrators at Michigan State University.

Professor Edwin Greenebaum organized a weekend group relations conference on "Authority and Leadership in Organizations" sponsored by the Law School, the University's Learning Resources Program, the Office of the Dean of Faculties, and the Midwest Group Relations Center of the A. K. Rice Institute. In addition, Professor Greenebaum is working on a summer workshop similar to the workshops he has held during the past two summers on Understanding Clinical Experience. The week long workshop will be held on the IUPUI campus.

Professors Terry Bethel and Merritt Fox have been named Ira C. Batman faculty fellows.

Professor J. William Hicks is the 1986-87 Charles H. Whistler faculty fellow, and Professor William Popkin is the 1986-87 Harry T. Ice faculty fellow.

Associate Professor Robert Heidt's article on "Industry Self-Regulation and the Useless Concept 'Group Boycott'" appears in 39 Vanderbilt Law Review.

Assistant Professor Joseph Hoffmann has been invited to speak about the death penalty at the National Judicial College's Seminar for State Court Judges.

Assistant Professor Stephen Conrad is a fellow at the National Humanities Center for the 1986-87 academic year where he is pursuing research on James Wilson, one of the framers of the Constitution and a justice of the first U.S. Supreme Court. Conrad presented a paper at the annual conference of the Social Science History Association in the fall, and in April he will address the annual conference of the American Society for Eighteenth Century Studies.

Professor Patrick Bade's article, "The Limits of Liberalism: Wrong to Others," appears in 1986 American Bar Foundation Research Journal, 153. In September he lectured to the Indiana Judicial Conference on "Recent Developments in Federal Constitutional Law" and to the Indianapolis Bar Association on "Waiting for Scalia." He also addressed the Indiana Public Defender Council on "What to Expect from the Supreme Court."

The second edition of Emeritus Professor F. Reed Dickerson's book, The Fundamentals of Legal Drafting, was published this winter.

John Scanlan directs Center for Law and Sports

Scanlan

John Scanlan, Associate Professor of law, wears two hats at the Indiana University School of Law-Bloomington. This is because he has two main areas of interest that only cross occasionally: sports law and immigration law.

"Sports figures occasionally have immigration problems. Fernando Valenzuela did a few years back," said Professor Scanlan. "But immigration and sports law are basically different interests that don't have a lot to do with each other. At the moment I am able to juggle both, and I enjoy the variety."

As director of the Center for Law and Sports for the past two and one-half years, Professor Scanlan oversees and conducts research into specific areas of sports law. The Center is "a small, basically research-oriented entity within the Law School, and supported by the Law School," according to Professor Scanlan.

The Center started in 1980 when the Lilly Endowment awarded a grant to the Law School to create a center to look into issues concerning the law and amateur sports. When the grant expired last June, the Law School decided to keep the Center in operation.

In 1985 the Center sponsored a conference on antitrust issues in intercollegiate sports. Since then, the Center's major focus has been to examine some of the legal issues associated with drugs, drug-testing, due process, and discipline, primarily in amateur sports and college sports. Professor Scanlan explained that once an issue has been identified and researched, research is published "to help clarify the actual legal situations of administrators, athletes, and other people who are involved in sports enterprises."

Although the Center now focuses exclusively on amateur sports, Professor Scanlan thinks that in the future legal questions associated with professional sports will be researched.

Professor Scanlan's background provided no hint that he would one day direct a center (Cont'd on next page)
for sports research. An admitted non-athlete, he received his AB and JD from Notre Dame, an MA in English from the University of Chicago, and a PhD in English from the University of Iowa.

"When I came here my interest was very largely in areas like civil rights law, due process law, and rights of the individual versus the state. I wasn't sure that sports law was really going to be a major battleground for these questions," said Professor Scanlan. "I have been pleasantly surprised by the fact that in the last couple of years they've become very significant questions. This is largely, I think, as a result of the drug problem, and the way that the NCAA and a great many colleges and even some high schools and school boards have responded to it."

Professor Scanlan pointed out that although many attorneys are interested in the contract and tort aspects of sports law, "there certainly is a considerable and growing interest in some of these due process questions."

Other areas which the Center has focused on include the issues of financial support to amateur athletes and the liability of amateur athletes with respect to personal injury lawsuits.

When he is not researching issues in sports law, Professor Scanlan is involved in work concerning his other area of interest, immigration law.

Professor Scanlan's interest in immigration law began in 1980 when the U.S. Select Commission on Immigration and Refugee Policy began its research. Along with Gil Loescher, then a colleague at Notre Dame, Professor Scanlan looked into the legal procedures in bringing refugees into the United States. That interest developed into a full-scale research project into the history of U.S. refugee admissions policy since the Second World War and resulted in the publication of a book, Calculated Kindness, in September 1986. "It is intended to provide a readable but very detailed and well-documented account of the ways in which initial decisions about which refugees to admit into the United States have actually been made," Professor Scanlan explained.

While acknowledging some humanitarian reasons for selecting certain refugees for admission into the United States, the book looks into the influence of Cold War politics on immigration policy. Professor Scanlan characterizes the book as a political history. "There is a fair amount of attention in the book to the rather elaborate development of U.S. immigration law over the last 40 years. And some attention is paid also to a number of controversial judicial opinions, including those involving the rights of Haitian immigrants to apply for political asylum. But it certainly isn't a legal textbook by any means."

Professor Scanlan feels that the study of immigration law requires more than a standard legal analysis. "To understand it (immigration law) we have to understand not only how to read a statute and interpret cases but we also have to understand something about the politics that influenced legislation. Politics and moral values have influenced legislators and have also influenced how the courts have regarded the rights of aliens seeking benefits of the United States."

This spring Professor Scanlan is teaching a course looking more generally at the relationship between law and politics. It is one more interest he is happy to juggle.

Community Legal Clinic provides educational experience and service

The Community Legal Clinic, a course offered by Associate Professor David Medine, gives third-year law students an opportunity to represent low-income Monroe County residents in civil cases under the Indiana Student Practice Rule. Professor Medine supervises the students and teaches a weekly two-hour seminar that is part of the course. He feels that the students in the Clinic will find the work rewarding.

"It is very rewarding because you are helping people who would not otherwise be able to afford attorneys." He explained that often low-income clients start off not really expecting much because they can't afford much. When they receive competent legal help, they are very grateful.

Students are expected to spend at least 15 hours per week on Clinic activities. Although "somewhat time-consuming," for students, Professor Medine thinks that this is not much more than other classes when class time and preparation are considered. "Also, students for the most part have flexibility in scheduling their hours in the Clinic. They can schedule an interview between classes or after school. They can carry out their legal research and fact investigation on weekends or on their own time during the day. Time which they won't have any control over, obviously, will be court time. If the case is set for trial they are going to have to be available."

Professor Medine believes in the educational value of clinics. "I think that students get a much better experience in a clinic than in a simulation course. Simulations have the problem that the participants know it is a simulation. They don't have to face the tough decisions the way they necessarily would in practice. Secondly, simulation courses don't take into account all the possibilities of the real world. I think a live client contact obviously does, so you get a wider range of experience and perhaps a more realistic experience."

Along with the added benefits of a clinical course come added costs. "There is no question that handling live cases and live clients is far more expensive than classroom offerings and simulations. You are basically running a law office." Requirements include extensive secretarial needs and supplies.

Tight supervision is also required in the Clinic. In a simulation course, a mistake is something from which the student can learn.
In a clinic, a mistake involves not only the student, but also the client. "These are real people's lives and real people's cases involved," explained Professor Medine. "We don't want to make mistakes at the client's expense in the Clinic." Professor Medine acknowledges that the Clinic has the same liability concerns as a law office, so it carries malpractice insurance.

Medine predicts that local judges will endorse the Clinic because, in general, they don't like to see parties appearing pro se. They don't feel they get the best justice that way. It also makes the job of the judge tougher because he must explain all the legal procedures to the pro se, which takes up time that the judge would be better off spending hearing more cases, clearing up the backlog.

Professor Medine first became interested in legal clinics during a seven-month assignment at the Neighborhood Legal Services Program in Washington, D.C. as an associate at the law firm of Covington & Burling. While there he handled "the whole range" of civil cases and found it to be exciting and rewarding. Later he assumed responsibility for a consumer mediation clinic at the George Washington University National Law Center. That clinic handled 400 to 500 cases a year from local consumers, recovering $40,000 to $50,000 annually in refunds, credit, merchandise, etc. for the consumers.

While at George Washington, Professor Medine started another clinic involving consumer litigation. Students in that clinic represented local consumers in court and before a local administrative agency. "Last year in the consumer litigation clinic we got judgments totaling over $100,000 for local consumers," stated Medine.

Alumni involvement in the IU Clinic would be very beneficial, Medine stressed. Retired alumni are "tremendously effective" in a clinic because of their knowledge and experience. "It gives them something very challenging and rewarding to do, and they can be of tremendous benefit to the Clinic operation."

Professor Medine also encourages alumni in active practice to become involved in the Clinic, perhaps as guest speakers in the seminars offered in the Clinic. Alumni could also be helpful by referring low-income clients to the Clinic. Professor Medine also anticipates that the Clinic will get cases that it can't handle, either because of a guideline or the amount of time involved, which will be referred to an alumnus or alumnna of the School.

School Hosts ICLEF Seminars

As part of the Tenth Annual Law Conference, the School hosted two concurrent seminars. John F. Lyons, '69, of Barrett, Barrett & McNagny in Ft. Wayne, Phillip R. Scaletta, '75, of Ice Miller Donadio & Ryan, in Indianapolis, Stephen L. Williams of Mann, Chaney, Johnson, Goodwin & Williams of Terre Haute, and Mark J. Roberts, '77, of Locke, Reynolds, Boyd & Weisell of Indianapolis served as faculty for the session on "Recovery: Solutions and Strategies in Automobile and Premise-Related Incidents." John R. Carr III, '74, of Buschmann, Carr & Meyer of Indianapolis, Professor Harry Pratter, J. Philip Updike, '75, of Beasley, Gilkinson, Retherford, Buckles & Clark of Muncie, and Thomas C. Bigley, '63, of Sharpnack, Bigley, David & Rumpel of Columbus served as faculty for the session on "Secured Transactions under Article 9 of the UCC: Problems with Perfection and Priorities." Approximately 130 attorneys attended the two sessions.
Alumni News

A. David Meyer, '70, has been appointed to the American Arbitration Association’s Panel of Arbitrators. Meyer, a life member of the Indiana University Alumni Association, practices with Buschmann, Carr and Meyer in Indianapolis and serves as class agent for the Annual School of Law Fund Drive.

Diana Frazier, a 1986 graduate of the School of Law, has been named an associate in the Atlanta, Georgia law firm of Hansell & Post.

John Howard, '82, was recently appointed legal counsel to the chair of the US Merit Systems Protection Board.

Sandra A. (Furtick) O’Connor, '66, has been appointed to the Board of Directors of the State Justice Institute by President Reagan. Ms. O’Connor, state’s attorney for Baltimore County (MD), was administered the oath of office by retired Chief Justice Warren E. Berger, pictured opposite.

Florida Ruth Pineda-Romero, LLM '55, served as secretary general of the Philippine Constitution Commission that drafted the constitution which was recently approved in the February Philippine election. Mrs. Pineda-Romero is director of the Philippines Law Center in Quezon City.

The School is saddened to report that Victor Olliver, Class of 1912, died on May 31, 1986 in Albany, Oregon. Mr. Olliver practiced in Indiana until 1914 when he moved to Oregon. He practiced there until 1946 when he was elected circuit judge, an office he held until his retirement in 1961.

Darrel L. Hodson, of the Class of 1937, died on Christmas day, 1986. Mr. Hodson had served as Howard County prosecutor, Howard County attorney, and Kokomo judge. He also was a major in the Judge Advocate General Department in the European Theater during World War II. A partner in the Kokomo firm of Hodson and Osborn, Mr. Hodson gave many hours of service to the School of Law and to its students through his work as the chair of the Jump Scholar Selection Committee of the Howard County Bar Association.

Moot Court

The National Moot Court team lost out by one-half of one point at the regional competition in Milwaukee. This year’s national team members were David Reidy, George Patton, Jean Will, Nancy Craig, Therese Crouse, and Phil Simon. Indiana was the only law school in the region with two teams placed in the top ten on their briefs.

Miscellaneous

David Reidy, a third year student, was chosen by his fellow law students to be their representative at the Building Dedication Ceremony. Vice President of the Moot Court Board and 1986 Moot Court Team member, Reidy delivered the student response to the presentation of the building.

Arend Abel, '86, garnered another honor: he received the 1986 ISBA Taxation Section scholarship for excellence in tax law studies. Daniel Fitz Gibbon, chair of the Section, presented the award.
Law School Addition